App. F. IX-4

1927.

File No. 54-27

Previous References (Law)

Serial Nos. 1-2

Later References 9

Preserved

General and Revenue Secretariat.

Serial Nos. 2

Part B for May 1928.

SUBJECT

'Regarding the resumption of devadaya inam lands Survey no. 156-157 belonging to the Akkal Shah Khadri Dargah at Channapatna, to which a private claim is set up by Mr. Muhammad Abdulkhadus

No. P. 6629 D/28-4-28.

To D. G. D'Souza esq B.A. B.L
Muzrai Commissioner in
Mysore. Bangalore.

The back scotch and operation of sec. 14 of the old Muzrai Regulation needs be considered. The order of the govt may be given effect to, if necessary by the means of the procedure prescribed under sec. 10 of the Religious and Charitable institutions

H.S. Yellappa
5/5/28.

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P

G.R.S. III—3.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

From the Rev: Com: No 1268
27-28
d 16/17-4-28. forwards
records relating to claim
set up by Md Abdul Khuddus
to S. No 157 V. Scudamore village
Cheruvapatna, and requests
opinion as to how to proceed to
obtain possession.
Submitted for perusal
and opinion.
Nalla
18/4/28.

The decision by Govt operates as
Res judicata to the trial of the
issue relating to adverse possession
& as such his plea put now put
forward cannot be considered —
In this view of the case the question of the
of the old Rev The order of Govt may be
need not be given effect to.
Considered —

Reply
S.H.
25/4.

Draft submitted
25/4 for approval.
MM
26/4/28 Seen)

Appd
S.H.
27/4.

B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

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P.

-3

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OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore.....Dated 16th April *192*8.

17

No. 1568 2nd File
27-8

FROM

P. G. D'Souza, Esq., B.A., B.L.,
The Muzrai Commissioner in Mysore. BANGALORE.

To

P. Nagappa, Esq., Bar-at-Law.,
Legal Remembrancer & Secretary to the Government of
His Highness the Maharaja of Mysore, Law Department.

SIR,

17-4
Laws 17/4

In submitting herewith the file of records received with the Bangalore Deputy Commissioner's letter No. C. 3-3180 of 1927-28 dated the 19th March 1928 (copy enclosed) relating to the private claim set up by Mr. Mohamad Abdul Khuddus to Survey No. 157 of Gendemadu village Khadri Chennapatna Taluk a devadaya Inam endowed to the Akkal Sha Darga at Chennapatna, I have the honor to state that Government in their order No. 4505-507/Muz. 798-18-6 dated 29th June 1920 (enclosed in the file) upheld the decision of the Deputy Commissioner declining that Mr. Mohamad Abdul Khuddus of Chennapatna was in wrongful possession of the Survey No. 157 to the extent of 4 acres and 24 guntas, the ownership of the remaining extent of 1 acre and 12 guntas in the Survey No. being decided in his favour, with the remarks that the Deputy Commissioner's decision was in confirmity with the Inam settlement.

The Deputy Commissioner states that in the course of the proceedings for taking possession of the land, Mr. Khuddus has called into question the action of Government in depriving him of the land and takes his stand on the proviso to section 14 of the old Muzrai Regulation as he had been in continued possession of the land for about 60 years.

The local authorities wish to be enlightened in the matter and now to proceed to take possession of the land. I request to be favoured with your opinion.

I have the honorx to be,

Sir,

your most obedient servant,

H. Cleaver for 16/4/[illegible]

Assistant Commissioner,
For Kuzrai Commissioner,.
(Absent from station)

RB

Letter No. C.- 3.3180/27-28 dated 19th March 1928 from the Deputy Commissioner, Bangalore District to the Muzrai Commissioner In Mysore, Bangalore.

In submitting herewith the entire file of records received with the closepet S.D.O's report No. A. 3-434/27-28 --- dated 25th November 1927 regarding the resumption of devadaya Inam lands Survey Nos. 156 and 157 belonging to the Akkal Sha Khadri Darga at Chennapatna, I have the honor to state that Government in their order No. 4505 -507/Muz. 798-18-6, dated 29th June 1920, upheld the decision of the Deputy Commissioner, declaring that Mr. Mohamad Abdul Khuddus was in wrongful possession of the Inam land belonging to the Darga to the extent of 4 ac and 24 guntas in survey Nos. 156 and 157. In the course of the proceedings for the resumption of the land Mr. Khuddus has called into question the [illegible] of Government in depriving him of the land and takes his stand in the provison to section 14 of the Muzrai Regulation as he has been in possession adverse of the the land for about 80 years. It is not clear whether the priviso to section 14 of the Regulation or to Chief Commissioner's Notification dated 17th November 1877 should apply to this case. The recent case of

A. P. F. VI. G1]

SUBJECT.....

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Section Lease

File No. 57-27

Serial No. 2

Diary No. of letter replied to.....

No. 766g Records

General and Revenue Secretariat

( )

the 192

To P.G. D'Souza Esq BA BL

To Muzarai Commissioner in-charge

Bangalore.

Date of issue 28/4/28

Signed by

Sir,

In returning herewith the file of records received with your letter no: 12680 of 27-28 dated 6/17 th April 1928, relating to the private claim set up by Mr Mahamad Abdul Khuddus to survey no: 157 of Gendemadu village, Chennapatna Taluk, I have the honour to state that the decision of the Government in their order no: 4505-507 Muz. 798-18-6 dated 29th June

List of enclosures.....

Copied by

Examined by .....

over

WD0325—GPB—30,000—26-5-27

1920, operates as res judicata
to the trial of the issue relating
to adverse possession and as such
the res plea now put forward
cannot be considered. In this
view of the case the exact scope
and operation of sec 14 of the old
Nizamat Regulation need not be
considered. The order of the
Government may be given
effect to, if necessary, by means
of the procedure prescribed under sec 10 of the Religious & Charitable Institutions
Regulation of 1927.

I have the honour to be
Sir, etc

Sd
Legal Remembrancer
& Secretary to Govt.
Law Deptt.
27/4

MM
25/4/28